

Rental Leases

What is a lease or Rental Agreement?

“A lease or rental agreement means a written agreement embodying the terms and conditions concerning the use and occupancy of residential premises, including the identity of the parties, a description of the premises, the rental period, the total rental amount due, the amount of rental payments, and the times at which payments are due” (MCLA 554.632 Sec. 2a).

There are two types of leases?

Fixed-term (usually yearly) has a specified starting and ending date. The rent, usually monthly, is fixed and may not be changed during the course of the lease. However, landlords may change the rent with rental period’s notice ONLY to compensate for an increase in the rate of utilities or taxes, and then only if such possible increases have been stated in the lease.

Periodic Tenancy/Tenancy at Will is automatically renewed at the beginning of each rental period when the tenant pays the rent and the landlord accepts it. Verbal agreements (leases not in writing) are considered month-to-month leases. Termination procedure is governed by statute and requires notice.

Most leases will have a **joint and several liability** clause that makes all tenants and co-signers who signed the lease responsible for the agreement regardless of an individual’s failure to pay rent.

Prohibited provisions in rental agreements include but are not limited to those that would:

- waive the right to clean, habitable dwelling
- allow the landlord to change the terms of the lease in the middle of the lease period (exceptions include provisions in a fixed term lease)
- exclude or discriminate against a person in violation of the Elliott-Larsen Civil Rights Act of 1976 or the Persons with Disabilities Civil Rights Act of 1976
- waive the rights established by the security deposit law (MCLA 554.602)
- violate the Consumer Protection Act (MCLA 554.633)

For more information, pick up a free copy of the booklet “**Tenants and Landlords: A Practical Guide**” at the Kalamazoo County Law Library

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